

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CESAR A. BARTUREN, JASON BORGES,
RAUL LARA MOLINA, RAYMUNDO
LARA MOLINA, MIGUEL EDUARDO
TAVARA, MARCO ANTONIO CORONA,
JUAN CARLOS MOLINA, JULIO CESAR
MORENO GONZALEZ, PEDRO
HERNANDEZ HERNANDEZ, JULIO
ANTONIO, JULIO CARBONEL, EUSEBIO
SANTOS FERROSQULLO, LINO
MARTINEZ, JUAN JOSE PENA FARFAN,
JOSE FERNANDEZ, and JORGE LEGIS
CUYATE individually and on behalf of others
similarly situated,

Plaintiffs,

-against-

WILD EDIBLES, INC., 535 THIRD
AVENUE LLC, d/b/a WILD EDIBLES,
RICHARD MARTIN, and JONATHAN
MEYER,

Defendants.

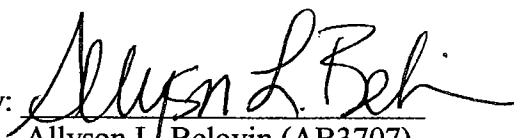
NOTICE OF MOTION

07 Civ. 8127 (LLS)

PLEASE TAKE NOTICE that Plaintiffs Cesar A. Barturen *et al.*, upon the attached Declaration of Susan J. Cameron, Esq. dated April 29, 2008, the Affidavit of Cesar A. Barturen dated April 29, 2008, the Affidavit of Juan Carlos Molina dated April 30, 2008, the Affidavit of William Lopez dated April 29, 2008, and the Memorandum of Law in Support of Plaintiffs' Motion In Support of Certification to Proceed as a Collective Action, with accompanying exhibits, will move this Court for an order: (1) conditionally certifying this lawsuit as a collective action pursuant to the FLSA, 29 U.S.C. § 216(b), with the class to include all Wild Edibles

employees employed by Defendants from September 17, 2004, three (3) years prior to the filing of the Complaint, until the present; (2) directing Defendants to produce the names and last known addresses of all Wild Edibles employees employed by Defendants from September 17, 2004 until the present; (3) approving the proposed Notice of Pendency of Overtime Action and accompanying Consent to Join as a Party Plaintiff, attached to the Memorandum of Law as Exhibits 2 and 3 respectively, authorizing Plaintiffs to send said notice and consent; (4) directing Defendants to post the Court approved notice and consent in a prominent location in all Wild Edibles Warehouse and Retail locations and to distribute the notice and consent along with employee paychecks within two weeks of the mailing of the Court approved notice and consent; (5) equitably tolling the statute of limitations from the date the Complaint was filed, September 17, 2007, for all potential opt-in Plaintiffs; and (6) granting such other and further relief as is warranted.

Dated: May 1, 2008
New York, New York

By: 
Allyson L. Belovin (AB3707)
Levy Ratner, P.C.
80 Eighth Avenue, 8th Floor
New York, New York 10011
(212) 627-8100
(212) 627-8182 (fax)

David B. Rankin (DB0863)
Attorney At Law
350 Broadway, Suite 700
New York, NY 10013
(212) 226-4507
(212) 658-9489 (fax)

Attorneys for Plaintiffs

TO: Richard M. Howard, Esq.
Meltzer, Lippe, Goldstein & Breitstone, LLP
190 Willis Avenue
Mineola, NY 11501

Thomas Bianco, Esq.
Meltzer, Lippe, Goldstein & Breitstone, LLP
190 Willis Avenue
Mineola, NY 11501

Attorneys for Defendants

07 Civ. 8127 (LLS)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CESAR A. BARTUREN, JASON BORGES, RAUL LARA MOLINA, RAYMUNDO LARA MOLINA, MIGUEL EDUARDO TAVARA, MARCO ANTONIO CORONA, JUAN CARLOS MOLINA, JULIO CESAR MORENO GONZALEZ, PEDRO HERNANDEZ HERNANDEZ, JULIO ANTONIO, JULIO CARBONEL, EUSEBIO SANTOS FERROSQULLO, LINO MARTINEZ, JUAN JOSE PENA FARFAN, JOSE FERNANDEZ, AND JORGE LEGIS CUYATE, individually and on behalf of others similarly situated,

Plaintiffs,

-against-

WILD EDIBLES, INC., 535 THIRD AVENUE LLC
d/b/a/ WILD EDIBLES, RICHARD MARTIN, and
JONATHAN MEYER,

Defendants.

NOTICE OF MOTION

LEVY RATNER, P.C.
Attorneys for Plaintiffs
80 Eighth Avenue, 8th Floor
New York, N.Y. 10011-5126
(212) 627-8100

Due and timely service is hereby admitted.

New York, N.Y., 20..

..... Esq.

Attorney for